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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Larry B. Hyman, Jr., Circuit Court Judge

Case No. 2016-000029

RECEIVED

MAY 05 2016

SC Court of Appeals

Robert and Pamela Wilkes,

Appellants,

v.

Town of Pawleys Island,
Georgetown County Planning
Commission,

Respondents.

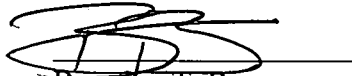
MOTION FOR LEAVE TO FILE LATE DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellants file this Motion for Leave to File Late Designation of Matter to be Included in the Record on Appeal in accordance with SCACR Rule 209 and 260 after receiving notification that such was not filed with the Clerk of Court with Appellants' Initial Brief, which was served on March 26, 2016 and filed on April 7, 2016.

On April 29, 2016, Appellants received notification from the Clerk of Court that their Designation of Matter to be Included in the Record on Appeal was not filed with Appellants' Initial Brief. In reviewing Appellants' records, it appears Appellants drafted such Designation but inadvertently failed to serve it on opposing counsel and file such with the Court. A Memorandum in Support of this Motion is being filed contemporaneously herewith.

Appellants sincerely apologize for this oversight and respectfully request that the Court allow Appellants to file their Designation of Matter to be Included in the Record on Appeal in accordance with SCACR Rule 209.

May 1, 2016



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MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE LATE
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Appellants respectfully submit this Memorandum in Support of their Motion for Leave to File Late Designation of Matter to be Included in the Record on Appeal.


On January 7, 2016, Appellants Robert and Pamela Wilkes filed their Notice of Appeal as to the Final Order and Order Denying Motion to Alter or Amend of the Honorable Larry B. Hyman dated December 8, 2014 and December 21, 2015 respectively. After filing the Notice of Appeal, Appellants ordered the appropriate hearing transcripts pursuant to SCACR Rule 207 and filed their Initial Brief on April 7, 2016 pursuant to SCACR Rule 208.

On April 29, 2016, Appellants received notice from the Court that a Designation

of Matter to be Included in the Record on Appeal under SCACR Rule 209 was not filed with their Initial Brief. In an abundance of caution, Appellants immediately served their Designation on opposing counsel by U.S. Mail the same day and submitted the same for filing with the Court. See Exhibit 1.

On review, it appears Appellants drafted the required Designation but inadvertently failed to include it for filing with their Initial Brief. Upon notification from the Court, Appellants took immediate steps to remedy this error. Appellants apologize to the Court for this oversight and respectfully request that the Court allow Appellants leave to file their late Designation of Matter to be Included in the Record on Appeal pursuant to SCACR Rule 209. Appellants appreciate the consideration of the Court in this matter.

Respectfully Submitted,



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May 1, 2016

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April 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Robert and Pamela Wilkes v. Town of Pawleys Island, et al.
Appellate Case No.: 2016-000029

Dear Ms. Kitchings:

Enclosed for filing, please find the Appellants' Designation of Matter to be Included in the Record on Appeal as well as the Proof of Service of same in the above-captioned case. Please accept my sincerest apologies to the Court and Counsel for Respondents in this delay.

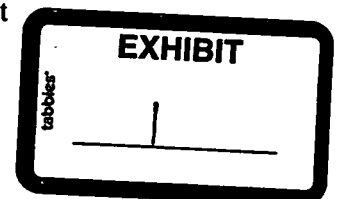
Thank you for your assistance in this matter.

Sincerely,

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DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL

Appellants propose the following to be included in the Record on Appeal.

1. Order of December 21, 2015;
2. Circuit Court Transcript of Proceedings, October 12, 2015, pp. 1, 4-6, 19-20, 22-23, 35-42.
3. Memorandum of Law in Support of Motion to Alter or Amend Final Order with Included Exhibits;
4. Motion to Alter or Amend Order;
5. Order of December 18, 2014;
6. Circuit Court Transcript of Proceedings, November 6, 2014, pp. 1, 3-5;
7. Notice of Appeal, Petition, Request for Pre-Litigation Mediation, and Complaint;
8. Zoning Board of Appeals Decision of May 3, 3012;
9. Zoning Board of Appeals Transcript of Proceedings, March 29, 2012, pp. 1, 4-6, 17-18;
10. Letter from Joanne M. Ochal to Kathryn H. Sligh, May 14, 2010;
11. Letter from N. David DuRant to Joseph F. Singleton, January 5, 2010;
12. Letter from Joanne M. Ochal to Robert & Pamela Wilkes, November 2, 2009;
13. Zoning Board of Appeals Decision of November 24, 2009;
14. Zoning Board of Appeals Transcript of Proceedings, October 13, 2009, pp. 1, 17, 44.

I certify that this designation contains no matter which is irrelevant to this appeal.

April 29, 2016



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Georgetown County Planning
Commission,

Respondents.

PROOF OF SERVICE

I certify that I have served the Designation of Matter to be Included in the Record on Appeal of Appellants Robert and Pamela Wilkes on the Town of Pawleys Island by depositing a copy of it in the United States Mail, postage prepaid, on April 29, 2016, addressed to its attorneys of record, N. David DuRant and Natale Fata, at their respective addresses of P.O. Box 14722 and P.O. Box 16620, Surfside Beach, SC 29587.

April 29, 2016



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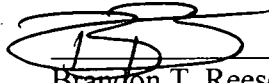
Town of Pawleys Island,
Georgetown County Planning
Commission,

Respondents.

PROOF OF SERVICE

I certify that I have served Appellants' Motion for Leave to File Late Designation of Matter to be Included in the Record on Appeal and Memorandum in Support of Appellants' Motion for Leave on the Town of Pawleys Island by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2016, addressed to its attorneys of record, N. David DuRant and Natale Fata, at their respective addresses of P.O. Box 14722 and P.O. Box 16620, Surfside Beach, SC 29587.

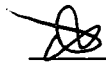
May 1, 2016

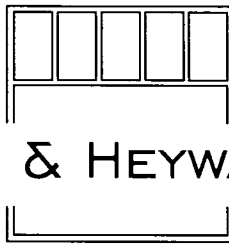

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Robert and Pamela Wilkes v. Town of Pawleys Island, et al.
Appellate Case No.: 2016-000029

Dear Ms. Kitchings:

Pursuant to SCACR Rule 260, please find the following documents enclosed for filing:

- (1) An original and six (6) copies of Appellants' Motion for Leave to File Late Designation of Matter to be Included in the Record on Appeal;
- (2) An original and six (6) copies of Appellants' Memorandum in Support of their Motion for Leave;
- (3) An original and six (6) copies of the Proof of Service for the Motion for Leave and Memorandum in Support;
- (4) An extra copy of the Motion for Leave, Memorandum in Support, and Proof of Service to be file-stamped and returned in the enclosed pre-postage paid envelope;
- (5) Our firm's check in the amount of \$25.00 for the Motion Filing Fee.

Thank you for your assistance in this matter.

Sincerely,

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